

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALEKSAM, INC.,	:	
	:	
	:	
Plaintiff,	:	<u>ORDER LIFTING STAY</u>
	:	
-against-	:	21 Civ. 8116 (AKH)
	:	
AMERICAN EXPRESS TRAVEL RELATED	:	
SERVICES COMPANY INC.,	:	
	:	
Defendant.	:	
-----	X	

ALVIN K. HELLERSTEIN, U.S.D.J.:

The appeal having been decided (*See Alexsam, Inc. v. Simon Prop. Grp. L.P.*, No. 2022-1598, 2024 WL 1364345, at *1 (Fed. Cir. Apr. 1, 2024); *Alexsam, Inc. v. Cigna Corp.*, No. 2022-1599, 2024 WL 1364205, at *1 (Fed. Cir. Apr. 1, 2024)), the stay of this litigation is lifted. Plaintiff argues that the stay should remain in place pending the resolution of motions for rehearing and rehearing *en banc* in the Federal Circuit. But it appears Plaintiff's objections to proceeding with the case are based on additional arguments which can be addressed through briefing on summary judgment, so there is no need to maintain the stay.

Accordingly, the case will continue with the completion of briefing on the defendant's previously-filed motion for summary judgment (ECF No. 40). Plaintiff's opposition brief is due on June 28, 2024, and the defendant's reply brief shall be filed by July 12, 2024.

SO ORDERED.

Dated: May 17, 2024
New York, New York

/s/ Alvin K. Hellerstein
ALVIN K. HELLERSTEIN
United States District Judge